

FILED
U.S. DISTRICT COURT
W.D.N.Y. ROCHESTER

-PS-O-

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

2005 SEP 29 AM 11:27

JOSHUA RAY WILLIAMS, 2005-01035,

Plaintiff,

-v-

DECISION AND ORDER
05-CV-0366S(F)

DAVID STRONG, TOM SNYDER,
GLENN GUNDERMAN, TERRY LOCKNER II,
RON UNWIN, TIM SWEENEY,
DANIEL MANDELL and Nurse ANNE DANIELS,

Defendants.

Plaintiff, who was incarcerated in the Chemung County Jail, requested permission to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a) and has both met the statutory requirements and furnished the Court with a signed Authorization. Plaintiff's request to proceed as a poor person is hereby granted. Plaintiff subsequently filed an amended complaint and a motion for appointment of counsel and for transcripts. Plaintiff's amended complaint has been screened by the Court with respect to the 28 U.S.C. §§ 1915(e) and 1915A criteria.

Plaintiff's motion for appointment of counsel and for certain transcripts is denied as premature, without prejudice to it's renewal after answer by defendants. The Court notes that the complaint includes personal information that would normally be expected to have been redacted or filed under seal given the availability of civil case file information on the internet pursuant to electronic filing. See Privacy Notice to Pro Se Litigants. One page of plaintiff's exhibits includes his name, address, date of birth and social security number. Accordingly, the page including such information shall be redacted and the pleading re-scanned.

The Clerk of the Court is directed to file plaintiff's papers, and to cause the United States Marshal to serve copies of the Summons, Amended Complaint, and this Order upon the named defendants without plaintiff's payment therefor, unpaid fees to be recoverable if this action terminates by monetary award in plaintiff's favor. The Clerk of Court is also directed to redact the exhibits page which includes the personal information described above and re-scan the pleading.

Pursuant to 42 U.S.C. § 1997e(g)(2), the defendants are directed to answer the complaint.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "David G. Larimer", written over a horizontal line.

DAVID G. LARIMER
United States District Judge

DATED: September 28, 2005
Rochester, New York

PRIVACY NOTICE

To Pro Se Litigants of INTERNET Availability of Civil Case File Information

The United States District Court for the Western District of New York makes the content of cases available on PACER.¹ Any subscriber to PACER will be able to read, download, store, and print the full content of documents filed **on or after January 1, 2004**.

To comply with the policy of the Judicial Conference of the United States and the E-Government Act of 2002, Pub. L. No. 107-347, **filing parties shall omit**, or, where inclusion is **necessary**, partially redact (remove) the following personal data information from all pleadings, documents, and exhibits, whether filed electronically or on paper, unless the assigned judge orders otherwise:

- (1) Minors' names: Use the minors' initials (Only initials);
- (2) Financial account numbers: Identify the financial institution and name or type of account, but use only the last four numbers of the account number;
- (3) Social Security numbers: Use only the last four numbers;
- (4) Dates of birth: Use only the year; and
- (5) Other data as permitted by order of the court.

Additionally, you should not include confidential information in any document filed with the court **unless** such inclusion is necessary and relevant to the case. You must remember that any personal information not otherwise protected will be made available over the Internet via WebPACER. You may omit or partially redact (remove) the following confidential information from all pleadings, documents, and exhibits, unless the assigned judge orders otherwise:

- (1) Personal identifying number, such as driver's license number;
- (2) Medical records, treatment and diagnosis;
- (3) Employment history;
- (4) Individual financial information; and
- (5) Proprietary or trade secret information.

The parties are solely responsible for any personal information filed. **The clerk's office will not review documents for compliance with this rule, seal on its own motion documents containing personal information, or redact documents, whether filed electronically or on paper.**

SEALING OF DOCUMENTS

The clerk's office will not make electronically available documents that have been sealed or otherwise restricted by court order. Rules relating to the sealing of documents are controlled by Rule 5.4 of the Local Rules of Civil Procedure for the Western District of New York.² A party wishing to file a document containing the personal information specified above may move for leave to file an unredacted document under seal. (E-Government Act of 2002, Pub. L. No. 107-347). If the court grants the motion, the court will retain the paper document as part of the record. In granting the motion, the assigned judge may require the party to file a redacted copy for the public file. (See Administrative Procedures Guide, Section 2m-2n.)

¹Remote electronic access to pleadings filed in civil social security cases is limited to counsel of record and court staff. Non-parties have direct access to the pleadings on file at the Clerk's Office.

²If there is a conflict between the Local Rules and the Administrative Procedures Guide, the Administrative Procedures Guide will control.